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Appl. No. : 09/855,340
Applicant : Hosted et al.
Filed : May 15, 2001
TC/AU : 1636
Examiner : Walter Schlapkohl
Docket No. : IN01164K US
Confirm No. : 9296

**Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan
Under 37 C.F.R. § 1.131**

We, Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan, co-inventors of the above-referenced patent application, declare as follows:

1. The *Xis* gene polynucleotide was isolated and the nucleotide sequence of the gene was identified to be as set forth in SEQ ID NO: 2 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
2. Enclosed exhibit A is a true copy of a page from co-inventor Hosted's laboratory notebook showing the sequence data referred to in paragraph 1 (dates redacted). The nucleotide and amino acid sequence labeled "Xis like" is the *Xis* sequence.
3. The *M. carbonacea* attP/attB region was isolated and the nucleotide sequence of the region was identified to be as set forth in SEQ ID NO: 6 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
4. Enclosed exhibit B is a true copy of a page from co-inventor Hosted's laboratory notebook showing the sequence data referred to in paragraph 3 (dates redacted). The notebook page of exhibit B includes a comparison between two nucleotide sequences. The

bottom sequence, from nucleotides 188 to 434, is the attP/attB region of SEQ ID NO: 6.

5. All the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 3/21/2006

Thomas J. Hostetler Jr.
Thomas J. Hostetler Jr.

Date: 2/12/2006

Ann C. Horan
Ann C. Horan

EXHIBIT A

Intergeneic region

Integrase region A Work

Redo analysis on
potentive attP region

EXHIBIT B

30

Edge#1 custom (MWG) vs Edge#4 custom (Seqright)*

1	CCCTCGTACTCTCGATCGCGGTNCGGATGTGCTGTACGGGGACCTGCCTGAGGAGGTGCA	60
61	CGAGGGGATCCCTCGCGCGATCGAGGAGGGCATGGCGGGCTCCGGGTGAGGACCTGGA	120
121	GGCGGAACCTCGACGAGGAGCTGACGGACGTTGGCGAAGCAGCATGATCAACTCTAGG	12
13	GGAGGGCTAAGGGAAATCCACTCCGAGAGCGCCCGAGCAATCCGAGCATGACGGAGCAA	180
181	GGAGGGCTAAGGGAAATCCACTCCGAGAGCGCCCGAGCAATCCGAGCATGACGGAGCAA	72
73	CCAGCAGGTCAAGGCGGCTGTTGACCCCTGACCAAGGCCCGGTACCG-TTCAATTCCC	240
241	CCAGCAGGTCAAGGCGGCTGTTGACCCCTGACCAAGGCCCGGTACCGGTTCAATTCCC	181
192	ATCAGTCACCCGTACACCGAAAGGCCCGCTCCACTCGGAGGGGCTTCCGGCGTTCCGTGAGG	300
301	ATCAGTCACCCGTACACCGAAAGGCCCGCTCCACTCGGAGGGGCTTCCGGCGTTCCGTGAGG	181
182	GTTCAGCGGTCAAGGCGGTGGGTGAGGCGCTGGGGAAATCGGCCCGGTCCGGCGGAGTGBCC	251
361	GTTCAGCGGTCAAGGCGGTCAAGGCGCTGGGGACTCGGCCCGGTCCGGCGGAGTGGCC	420
252	TCCGGCTCCGGGGAGGGCGTGGCGTCCGGCTCGTACGGGAGGGCGCTGCCCTTGACCGTAC	311
421	TCCGGCTCCGGGGAGGGCGTGGCGTCCGGCTCGTACGGGAGGGCGCTGCCCTTGACCGTAC	480
312	TGCTCCCAAGGTATGTTCCAGTCGGTCCAGCCGTTGGCGTGGCGAGGTTACGTTGGGTG	371
481	TGCTCCCAAGGTATGTTCCAGTCGGTCCAGCCGTTGGCGAGGTTACGTTGGGTG	540
372	CCCTTGACGGTGAATCGGGTCCGGCACCCGGGTGTT-GTCAACAGCCAGBCC-CTTCT	429
541	CCCTTGACGGTGAATCGGGTCCGGCACCCGGGTGTT-GTCAACAGCCAGBCC-CTTCT	600
430	TCATCGAGACGTTGACGGAGCCGTGGAGACGTTGACGCTGCCCTGCTGCCCTCGGACC	489
601	TCATCGAGACGTTGACCGAACCGCTGGAGACGTTGACGCTGCCCTGCTGCCCTCGGACC	600
480	-AGGGGGCGGGGTGGATG-AAGTCGGCGCCAGGTGAGGGGCTGGCGTAGTCGATCTT-	547
681	CAAGGGGGCGGGGTGGATTAAGTCGGCGCCAGGTGAGGGGCTGGCGTAGTCGATCTT-	689
549	CGTGGCGTACCCCTCTGGGACCCAGCTCCCTGAAGGTGTCAGAGACGGTCTTGGGTAGT	607
608	TTCTGCGATGACCAACCATGGTCCGOTGGACGACGGGTGCTTGTGGCGAGGCTGAC	667
688	GGGG	671

pSCH870-4 (See Notebook # 52810 pg 103)

840 Pelt edge carb 4
(807, 807)

Hydrogenation Resistance S. lactis

* MWG + Seqright are the companies
from which the sequencing
data was obtained.